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OFFICE OF PETITIONS

In re Application of :
Xiaoyang Qi :
Application No. 10/801,517 : DECISION ON PETITION
Filed: March 16, 2004 :
Attorney Docket No. :
00108720529639 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed July 19, 2007, to revive the above-identified application.

The petition is **GRANTED**:

This application became abandoned, by operation of law, for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action mailed November 16, 2006, which set a shortened statutory period for reply of three (3) months. A three (3) month extension of time was obtained under the provisions of 37 CFR 1.136(a). Accordingly, this application became abandoned on May 17, 2007.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C).

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the required reply in the form of a request for continued examination, \$395 filing fee, and submission as required by 37 CFR 1.114, (2) the petition fee of

\$750, and (3) a proper statement of unintentional delay. Accordingly, the failure to timely reply to the final Office action of November 16, 2006 is accepted as being unintentionally delayed.

This application is being referred to Technology Center AU 1643 for processing the request for continued examination and for appropriate action in the normal course of business on the submission under 37 CFR 1.114 received June 20, 2007.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218.

A handwritten signature in cursive script, appearing to read "Frances Hicks", is written over the printed name.

Frances Hicks
Petitions Examiner
Office of Petitions